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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/607,606 06/30/00 YUEN

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EXAMINER

AKERS, G

ART UNIT

PAPER NUMBER

2164

DATE MAILED:

10/19/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/607,605

Applicant(s)

Yuen

Examiner

Geoffrey Akers

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jun 30, 2000
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Jun 30, 2000 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

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DETAILED ACTION

1. Claims 1-7 have been examined.

Oath/Declaration

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02. The oath or declaration is defective because it does not include the notary's signature, and it does not include the notary's seal and venue.

Drawings

3. The informal drawings are not of sufficient quality to permit examination. Accordingly, new drawings are required in reply to this Office action.

Applicant is given a TWO MONTH time period to submit new drawings in compliance with 37 CFR 1.81. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a). Failure to timely submit new drawings will result in **ABANDONMENT** of the application.

Specification

4. The abstract of the disclosure is objected to because the first sentence is fragmentary. "enable" should be replaced by "enabling" and the first sentence should contain a passive voice verb "is disclosed" at its end. Correction is required. See MPEP § 608.01(b).

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Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-7 are rejected under 35 USC 103(a) as unpatentable over Godin(US Pat.

No:5,890,138) in view of Herz(US Pat. No: 5,754,938).

7. As per claim 1 Godin teaches a method of purchasing goods or services over a network(Abstract). Godin teaches the minimum cost of an item(col 3 line 36) and a product street price(col 3 line 38)(Fig 4) as well as a starting price(Fig 4)(col 3 line 33). Godin does not specifically teach using the most favorable advertised price as a starting point and soliciting bids over the network to find a price for the goods or services which is lower than the most favorable advertised price.Herz teaches conducting a search over the network to determine the most favorable advertised price for the goods or services on a sort by price structure(col 8 line 66-col 9 line 17)(col 14 line 50-57)(col 70 lines 10-27)(Fig 16/1600/1601/1602/1603/1604/1605/1606/1607/1608/1609). It would have been obvious to one skilled in the art at the time of the invention to combine Godin in view of Herz to teach the above.The motivation to combine is to teach a system that allows users to navigate through a plethora of information in information-retrieval technology as enunciated by Herz(col 2 lines 3-10).

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8. As per claim 2 Godin teaches the method of claim 1, wherein the network is the Internet(Abstract)(col 3 lines 14-18)(Fig 1/6).

9. As per claim 3 Herz teaches the method of claim 1, wherein the step of conducting a search over the network includes the use of a browser and a filter(col 7 lines 9-44). It would have been obvious to one skilled in the art at the time of the invention to combine Godin in view of Herz to teach that the use of a browser includes utilizing an existing search engine. The motivation to combine is to teach a system that allows users to navigate through a plethora of information in information-retrieval technology as enunciated by Herz(col 2 lines 3-10).

10. As per claim 4 Herz teaches the method of claim 1, wherein the electronic purchasing of objects over the Internet is presented(col 70 lines 10-14) whereby automated browsing and clustering concepts are used to more effectively group items by price(col 7 lines 19-27). Herz fails to teach that the most favorable advertised price is obtained from a first set of multiple vendors and the price which is lower than the most favorable advertised price is obtained from a second set of multiple vendors. Herz does teach browsing concepts to permit information retrieval to sort on price(col 70 line 25) as well as the calculation of price differences(col 14 lines 50-57). Herz further teaches conducting a search over the network to determine the most favorable advertised price for the goods or services on a sort by price structure(col 8 line 66-col 9 line 17)(col 70 lines 10-27)(Fig 16/1600/1601/1602/1603/1604/1605/1606/1607/1608/1609). It would have been obvious to one skilled in the art at the time of the invention to combine Godin in view of Herz to teach browsing over the distribution of vendors for favorable prices through heirarchical

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clustering and categorization labels (col 70 lines 21-27). The motivation to combine is to teach a system that allows users to navigate through a plethora of information in information-retrieval technology as enunciated by Herz(col 2 lines 3-10).

11. As per claim 5 Godin teaches a method for purchasing goods or services over the Internet(Abstract) wherein Godin teaches obtaining a posted price associated with the goods or services over the Internet(Fig 4)(col 3 line 39). Godin fails to teach determining the difference between values of posted prices. Herz teaches determining the difference between values of posted prices obtained in the previous step(col 14 lines 50-56). Godin teaches submitting a starting bid over the Internet(col 2 line 46). Godin further teaches collecting one or more reverse bids over the Internet(Abstract) wherein each reverse bid represents a price which is lower than the starting bid(col 2 lines 48-54) and selecting a final bid from among the reverse bids(col 6 lines 37-col 7 line 8)(Fig 12/164/166/168/170/172) and purchasing the goods or services using the final bid(col 2 lines 60-64)(col 6 lines 56-58). It would have been obvious to one skilled in the art at the time of the invention to combine Godin in view of Herz to teach finding the lowest possible price from the differences in prices obtained above and which is an upper bound on a starting bid. The motivation to combine is to teach a system that allows users to navigate through a plethora of information in information-retrieval technology to determine the lowest posted price as enunciated by Herz(col 2 lines 3-10) and as applied to finding the lowest posted price from which to develop a starting bid in the reverse auction.

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12. As per claim 6 Herz teaches the method of claim 5, wherein the step of conducting a search over the network includes the use of a browser and a filter(col 7 lines 9-44). It would have been obvious to one skilled in the art at the time of the invention to combine Godin in view of Herz to teach that the use of a browser includes utilizing an existing search engine. The motivation to combine is to teach a system that allows users to navigate through a plethora of information in information-retrieval technology as enunciated by Herz(col 2 lines 3-10).

13. As per claim 7 Herz teaches the method of claim 5, wherein the electronic purchasing of objects over the Internet is presented(col 70 lines 10-14) whereby automated browsing and clustering concepts are used to more effectively group items by price(col 7 lines 19-27). Herz fails to teach that the most favorable advertised price is obtained from a first set of multiple vendors and the price which is lower than the most favorable advertised price is obtained from a second set of multiple vendors. Herz does teach browsing concepts to permit information retrieval to sort on price(col 70 line 25) as well as the calculation of price differences(col 14 lines 50-57). Herz further teaches conducting a search over the network to determine the most favorable advertised price for the goods or services on a sort by price structure(col 8 line 66-col 9 line 17)(col 70 lines 10-27)(Fig 16/1600/1601/1602/1603/1604/1605/1606/1607/1608/1609). It would have been obvious to one skilled in the art at the time of the invention to combine Godin in view of Herz to teach browsing over the distribution of vendors for favorable prices through heirarchical clustering and categorization labels (col 70 lines 21-27). The motivation to combine is to teach a

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system that allows users to navigate through a plethora of information in information-retrieval technology as enunciated by Herz(col 2 lines 3-10).

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Barzilai teaches a computer based electronic bid auction and sale system
- Harrington teaches an apparatus for conducting auctions over electronic networks
- Mori teaches an automatic auction method
- Woolston teaches facilitating internet commerce through Internetworked auctions

15. Any questions concerning this communication should be addressed to the examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday. If attempts to contact the examiner are unsuccessful, the examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 2100 or this Art Unit is (703)-746-7239 or 7240. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-305-3900.

GRA

October 17, 2001